

OFFICIAL COPY

Fresno, California January 4, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Brad Castillo	Council President

Dan Hobbs, City Manager  
Andy Souza, Assistant City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Pastor Jim Cecy of Campus Baptist Church gave the invocation, and President Castillo led the Pledge of Allegiance.

APPROVE MINUTES OF DECEMBER 21, 2004

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of December 21, 2004, approved as submitted.

PRESENTATION OF PLAQUE TO OUTGOING PRESIDENT CASTILLO

On behalf of the Mayor and City Council, Acting President Perea thanked President Castillo for his service to the city of Fresno, and especially for his vote in support of the No Neighborhood Left Behind project, and presented President Castillo with a plaque. Councilmembers Calhoun and Sterling added their thanks and gratitude to President Castillo stating his advice, leadership and working relationship was appreciated, wished him well in his future endeavors, and stated he would be missed.

President Castillo congratulated the newly sworn-in members, acknowledged past council members Ronquillo, Quintero and Perea stating they were a big part of a lot that had been accomplished over the past years and named the key projects and issues, stated it had been an honor for him to serve his district and all the residents of the city, and expressed his thanks to the city employees stating they really cared about the city and referenced a graffiti employee he saw working on the New Years holiday.

INSTALLATION AND ADMINISTRATION OF OATH OF OFFICE TO MAYOR ALAN AUTRY, COUNCILMEMBER CALHOUN, COUNCILMEMBER WESTERLUND AND COUNCILMEMBER DUNCAN

The Oath of Office was administered by City Clerk Klisch, the newly sworn-in officers thanked their family, staff and constituents for all their support and for placing their trust in them, and each spoke briefly to accomplishments, challenges, and forthcoming issues and plans and stated they looked forward to the next four years of the Mayor and City Council working together as a team.

SELECTION AND SWEARING-IN OF COUNCIL PRESIDENT AND ACTING COUNCIL PRESIDENT

Councilmember Duncan stated it was important that the Council President be able to communicate and work together with everyone and made a motion nominating Councilmember Dages.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, Councilmember Dages selected as Council President, by the following vote:

145-1

1/4/05

Ayes : Boyajian, Calhoun, Dages, Duncan, Sterling, Westerlund, Perea  
Noes : None  
Absent : None

Councilmember Calhoun congratulated Councilmember Dages on being selected Council President and stated he was very pleased as Councilmember Dages would provide good leadership. Councilmember Calhoun stated Councilmember Duncan had represented his district and the entire city very well, added Councilmember Duncan also served as Chairman of the Redevelopment Agency for two years and provided yeoman leadership, and made a motion nominating Councilmember Duncan for Acting Council President.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, Councilmember Duncan selected as Acting Council President, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
Noes : None  
Absent : None

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**JOINT MEETING WITH THE REDEVELOPMENT AGENCY:**

The City Council recessed at 9:12 a.m. and convened in joint session with the Redevelopment Agency.

Chair Boyajian thanked the members who voted for him last year for Chair, stated a lot was accomplished and there was a lot of momentum going, recognized past-Councilmembers Ronquillo, Quintero and Perea for the tremendous job they did and thanked Interim Agency Executive Director Murphey for the job she was doing, and spoke to all the projects accomplished and those currently on-going and stated everything was coming together.

**SELECTION AND SWEARING-IN OF THE REDEVELOPMENT AGENCY CHAIR AND VICE CHAIR**

Acting President Duncan stated while serving as Agency Chair he found redevelopment projects took a long time to get going and he felt the Agency Chair position should be a two-year term, and stated Chair Boyajian had done an exceptional job and made a motion nominating him as Chair for a second term, which motion was seconded by Councilmember Sterling.

Councilmember Calhoun clarified his comments were not meant to reflect negatively on Chair Boyajian and that his concern was with the process; noted he would later be proposing a rotation process for the Council President and Acting Council President positions and advised he would propose that process for the Agency positions in the future; acknowledged Chair Boyajian had done an outstanding job as Agency Chair but stated he had also held the position of Council President; stressed all council members were elected by their constituents and all members should share the responsibilities; and stated new blood was needed for the Agency and added it would be more logical that Vice Chair Sterling become Chair as her district was almost entirely made up of redevelopment areas.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, Chair Boyajian re-elected Agency Chair, by the following vote:

Ayes : Dages, Duncan, Sterling, Westerlund, Boyajian  
Noes : Calhoun, Perea  
Absent : None

On motion of President Dages, seconded by Acting President Duncan, duly carried, RESOLVED, Councilmember Westerlund selected as Agency Vice Chair, by the following vote:

Ayes : Calhoun, Dages, Duncan, Westerlund, Boyajian  
Noes : Perea, Sterling  
Absent : None

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145-2

1/4/05

The joint bodies adjourned their meeting at 9:20 a.m. and the City Council recessed to attend a reception for the newly installed Mayor and Council members.

**RECESS - 9:00 A.M. - 10:07 A.M.**

**COUNCIL MEMBER REPORTS AND COMMENTS:**

REQUEST CITY MANAGER REVIEW AND COMPARE MANAGEMENT COMPENSATION WITH OTHER ENTITIES - COUNCILMEMBER CALHOUN

Councilmember Calhoun stated as an educator and in his work with school districts he has looked at salaries paid to school administrators and it was his feeling city management compensation in some cases was not what it should be, and recommended the city manager review the issue/conduct a comparison study and report back during budget on where the city stacks up against other entities, with City Manager Hobbs stating he would compare data and report back.

COMMENDATION TO THE PEOPLE OF BOISE, IDAHO FOR THEIR FRIENDLINESS AND HOSPITALITY SHOWN AT THE MPC COMPUTERS BOWL GAME - COUNCILMEMBER DUNCAN

Councilmember Duncan advised he and his son attended the game and stated the people of Boise were very friendly and warm, they enjoyed the hospitality of the community very much, and added Boise was a wonderful city.

CONGRATULATIONS TO FRESNO BEE REPORTER JIM DAVIS ON THE BIRTH OF HIS SON - COUNCILMEMBER DUNCAN

Congratulations extended.

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**APPROVE AGENDA:**

**(1-I) RESOLUTION - AUTHORIZING THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN A SPECIFIC PROJECT AGREEMENT WITH THE FRESNO COUNTY TRANSPORTATION AUTHORITY FOR THE CONSTRUCTION OF A FRONTAGE ROAD FROM THE HUGHES-WEST DIAGONAL TO MARKS AVENUE**

Removed from the agenda at the request of staff.

**(3-C) BILL NO. B-141 - (FOR ADOPTION) AMENDING THE FRESNO MUNICIPAL CODE RELATING TO UTILIZATION OF APPRENTICES BY CONTRACTORS ON CERTAIN PUBLIC WORKS IMPROVEMENT PROJECTS**

Councilmember Westerlund stated he did not have a chance to review the matter as much as he would have liked and at his request and by council consensus the matter was laid over one week.

**(1-A) AWARD AN INTERIM REQUIREMENTS CONTRACT TO KOCHERGEN FARMS COMPOSTING, INC., OF FRESNO FOR TRANSPORTATION AND PROCESSING OF WOOD AND YARD WASTE THROUGH APRIL 30, 2005**

1. **AWARD AN INTERIM REQUIREMENTS CONTRACT TO WEST COAST WASTE, INC., OF FRESNO FOR TRANSPORTATION AND PROCESSING OF WOOD AND YARD WASTE THROUGH APRIL 30, 2005**

**-and-**

**(1-G) AWARD AN ADDITIONAL THREE MONTH INTERIM CONTRACT TO WEST COAST ARBORISTS INC., OF ANAHEIM, CA, IN THE ESTIMATED AMOUNT OF \$349,400 FOR MUNICIPAL STREET TREE SERVICES THROUGH MARCH 31, 2005, UNTIL THE CURRENT PROPOSAL PROCESS IS COMPLETED AND AN AWARD IS MADE**

City Attorney Montoy made a technical correction to the above titles clarifying Council was being asked to extend the interim requirements contracts and not *award* them. So noted and corrected.

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

145-3

1/4/05

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**ADOPT CONSENT CALENDAR:**

Barbara Hunt, 2475 S. Walnut, spoke in support of Item **1-K**, in opposition to Item **1-O**, and spoke to the numerous items this date awarding contracts to outside companies and stated the jobs should be awarded to local companies.

Councilmembers Perea and Calhoun commended staff and SBC on Item **1-N** stating it was a great partnership.

Councilmember Boyajian pulled Items **1-G** and **1-H**, and President Dages pulled Item **1-P** from the consent calendar for discussion at 11:00 a.m. under contested consent items.

**(1-A)** APPROVE EXTENSION OF THE INTERIM REQUIREMENTS CONTRACT WITH KOCHERGEN FARMS COMPOSTING, INC., OF FRESNO FOR TRANSPORTATION AND PROCESSING OF WOOD AND YARD WASTE THROUGH APRIL 30, 2005  
**1.** APPROVE EXTENSION OF THE INTERIM REQUIREMENTS CONTRACT WITH WEST COAST WASTE, INC., OF FRESNO FOR TRANSPORTATION AND PROCESSING OF WOOD AND YARD WASTE THROUGH APRIL 30, 2005

**(1-B)** AWARD A ONE YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO GLICK CORPORATION dba ASPHALT MAINTENANCE COMPANY OF CALIFORNIA IN THE AMOUNT OF \$786,734.40 FOR THE BASE BID AND BOTH ADD ALTERNATES FOR APPLICATION OF SLURRY SEAL TO VARIOUS STREETS WITHIN THE CITY OF FRESNO

**(1-C)** AWARD A CONTRACT TO KELLY C. BROWLES, INC. OF CLOVIS FOR THE BASE BID AND ADD ALTERNATE NO. 1 IN THE AMOUNT OF \$618,074 FOR INSTALLATION OF A 16" WATER MAIN IN HERNDON AVENUE BETWEEN PARKWAY DRIVE AND POLK AVENUE

**(1-D)** AWARD A ONE YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO WEST VALLEY CONSTRUCTION COMPANY, INC. OF SAN JOSE, CA, IN THE AMOUNT OF \$144,620 FOR UNDERGROUND BORING AND PLACEMENT OF WATER SERVICE TUBING

**(1-E)** REJECT ALL BIDS FOR A REQUIREMENTS CONTRACT FOR TRUCK-MOUNTED SERVICE/UTILITY BODIES BECAUSE THE SPECIFICATIONS REGARDING THE PRICING COMPONENT FOR THE OPTIONAL EQUIPMENT WERE AMBIGUOUS, AND STAFF TO REVISE THE BID SPECIFICATIONS AND REBID THE PROJECT

**(1-F)** RESCIND THE CONTRACT AWARDED APRIL 27, 2004, TO CLOVIS WELL DRILLING OF FRESNO IN THE AMOUNT OF \$334,737 TO FURNISH AND INSTALL WATER WELL PUMPING EQUIPMENT AT THE REGIONAL WASTEWATER RECLAMATION FACILITY AND STAFF DIRECTED TO REBID THE PROJECT

**(1-J)** APPROVE A LEASE AGREEMENT WITH HANOIANS ENTERPRISES, L.P., TO CONTINUE LEASING 11,502 SQUARE FEET OF PARKING AREA AT 1435 SOUTH CEDAR AVENUE FOR USE BY THE SOUTHEAST DISTRICT POLICE STATION

**(1-K)** APPROVE AN INCREASE IN THE PREVIOUSLY AUTHORIZED PURCHASE PRICE PAYABLE TO CALTRANS FOR THREE UNDEVELOPED REAL ESTATE PARCELS ADJACENT TO FRESNO CHANDLER EXECUTIVE AIRPORT'S NORTHWESTERLY RUNWAY PROTECTION ZONE FROM \$12,200 TO \$63,000

**(1-L)** APPROVE THE 2005 CITY COUNCIL MEETING SCHEDULE

**(1-M) RESOLUTION NO. 2005-1** - APPROVE THE REALLOCATION OF \$75,000 IN PROPOSITION 40 BOND ACT ALLOCATIONS TO RE-PLASTER THE SWIMMING POOL AND INSTALL A CEMENT POOL DECK AT THE MOSQUEDA COMMUNITY PARK

145-4

1/4/05

**(1-N) RESOLUTION NO. 2005-2 - 54<sup>TH</sup> AMENDMENT TO AAR 2004-209 TO ACCEPT SBC FOUNDATION GRANT FUNDS FOR THE FRESNO BEST COMPUTER LABORATORY PROJECT, AUTHORIZE EXECUTION OF DOCUMENTS, AND APPROPRIATE FUNDS TO THE FRESNO BUSINESS EDUCATION SERVICE TRAINING (BEST) PROGRAM**

Councilmembers Perea and Calhoun commended staff and SBC on the issue stating this was a great partnership.

**(1-O) APPROVE AN AMENDMENT TO THE FY 2003-2004 ANNUAL ACTION PLAN TRANSFERRING \$400,000 OF HOME FUNDS FROM THE RENTAL REHABILITATION PROGRAM TO THE OWNER-OCCUPIED REHABILITATION PROGRAM**

**1. APPROVE AN AMENDMENT TO THE SUB-RECIPIENT HOME PROGRAM AGREEMENT WITH THE HOUSING AUTHORITY TO MODIFY THE EXISTING RENTAL HOUSING IMPROVEMENT PROGRAM INTO AN OWNER-OCCUPIED RESIDENTIAL REHABILITATION PROGRAM WITH A NEW COMPLETION DATE OF DECEMBER 30, 2005, AND AUTHORIZE THE CITY ATTORNEY TO NEGOTIATE AND ENTER INTO AN AMENDED AGREEMENT**

**(1-Q) RESOLUTION NO. 2005-3 - APPROVING THE RECLASSIFICATION OF \$118,900 FROM CONTINGENCY TO ESTABLISH A HALF YEAR OPERATING BUDGET FOR THE INCOMING COUNCILMEMBER IN DISTRICT 4**

**(1-R) APPROVE REAPPOINTMENTS OF COUNCILMEMBER STERLING, AUGIE CALDERA AND BEATRICE JOHNSON TO THE FRESNO-MADERA AREA AGENCY ON AGING BOARD - MAYOR AUTRY**

**(1-S) BILL NO. B-139 - ORDINANCE NO. 2005-1 - AMENDING THE FYI AIRPORT ENVIRONS PLAN TO CHANGE THE PLANNED LAND USE DESIGNATION OF PROPERTY LOCATED THEREIN FROM MEDIUM HIGH DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL (PLAN AMENDMENT APPLICATION NO. A-04-14)**

On motion of Acting President Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

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**(3-A) RESOLUTION NO. 2005-4 - AMENDING RESOLUTION NO. 2003-237 RELATING TO THE ELECTION OF COUNCIL PRESIDENT AND ACTING COUNCIL PRESIDENT - COUNCILMEMBERS CALHOUN AND WESTERLUND**

Councilmember Calhoun reviewed the issue and explained the proposed process, all as contained in his report to Council as submitted, stressed all council members were equals and were capable of taking on the additional duties and providing leadership, and made a motion to adopt the resolution. Councilmember Westerlund stated he supported this early on as it seemed to be the right thing to do on many levels and explained; stated this was a new year and it should start out without political fights and the strife he has seen in past selections; and noted the County Board of Supervisors uses this system, concurred all members were capable of taking on the extra duty, and seconded the motion. Councilmember Boyajian spoke in opposition and stated the most important duty of the position was dealing with the budget and the Council President needed to have the support and be able to get a majority vote on issues.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, support; and Joseph Kitchen, opposed.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2005-4 hereby adopted, by the following vote:

Ayes	:	Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	Boyajian
Absent	:	None

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**(3-B) DISCUSSION AND APPROVAL OF A DEDICATION PLAQUE FOR THE NEWLY RENOVATED HISTORIC SANTA FE DEPOT - COUNCILMEMBER STERLING**

145-5

1/4/05

Councilmember Sterling advised the depot would be completed on January 29<sup>th</sup>, spoke to the dedication ceremony that was being planned, and referenced the sample plaque wordings she submitted for council review and requested Council's input and suggestions for wording on the depot plaque.

Barbara Hunt, 2475 S. Walnut, spoke generally to the issue and in support.

Councilmember Boyajian spoke to past instances wherein names were left off plaques because of some members' non support of a project, stated history should not be changed and he felt the people who made the key votes should have their names on plaques, and also added maybe a resolution providing a uniform way of doing this was needed for the future. Acting President Duncan concurred many people contribute to construction projects and stated he supported listing the names of those in office when projects are completed along with special recognition/acknowledgment of key people who were involved but not currently on council clarifying for this plaque the current council's names would be listed along with past Council President Castillo as a special acknowledgment. Upon question of Councilmember Sterling Councilmember Boyajian stated past council members Ronquillo, Steitz and Quintero worked very hard on the depot project and **(3 - 0)** he supported listing the names of the members when the project was awarded and when it was completed. President Dages stated he was hearing "all inclusive" was the consensus and Councilmember Sterling stated she would do some further research and bring back a final draft to consider. City Attorney Montoy clarified if Council wanted to include the names of the members referenced by Councilmember Boyajian the Regional Sports Park plaque format should be used. Councilmember Perea stated to keep it simple maybe just the people who voted "yea" or "nay" on the issue should be listed, and City Manager Hobbs stated the stadium model seemed to capture what was being said. Councilmember Sterling thanked all for their input and stated she would do some further work and research on the issue to make sure no one is overlooked. Councilmember Calhoun stated he had not realized the dedication would happen so fast and he was caught off guard and stated the dedication should be looked at in a broader sense to include the promenade parking lot and advised he would speak further to that issue under unscheduled public comment later in the meeting. There was no further discussion.

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Councilmember Boyajian stated appointing a member to the Transportation Authority was supposed to have been scheduled for action this date and upon his question City Attorney Montoy stated action could not be taken this date and recommended staff schedule the matter on next week's agenda.

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#### **CONTESTED CONSENT CALENDAR:**

**(1-P) RESOLUTION NO. 2005-5 - DECLARING THAT THERE IS NO LONGER A NEED FOR THE PARKING AUTHORITY OF THE CITY OF FRESNO TO FUNCTION, WINDING UP ITS AFFAIRS AND AUTHORIZING THE TRANSFER OF TITLE TO ALL PROPERTY OF THE PARKING AUTHORITY TO THE CITY**

Controller/Finance Director Quinto and Senior Deputy City Attorney Smith responded to questions and concerns of President Dages relative to property owned by the Authority, which city employees were the ex-officio officers, if any of the properties were used for current bond debt, how property was used for bond debt without authority to encumber it, and concern with the title not being free and clear. President Dages stated Council encumbered property they did not have control of and the matter was now being corrected, stated it would have been nice to have had something free and clear, and added he felt he was being mislead and he could not make a motion to approve. Upon question of Councilmember Westerlund, Ms. Quinto and City Attorney Montoy confirmed the structures were currently owned free and clear by the Authority, action this date would transfer the structures to the City and they could then be encumbered, and language to take care of all these details was included in the resolution when it was adopted.

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

Ms. Quinto and Ms. Montoy responded briefly to questions of Councilmember Westerlund relative to whether the Secretary of the State would have to be notified of the "winding up" of affairs and how long that would take.

On motion of Acting President Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2005-5 hereby adopted, by the following vote:

145-6

1/4/05

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund  
 Noes : Dages  
 Absent : None

**(1-G) APPROVE AN ADDITIONAL THREE MONTH EXTENSION OF THE INTERIM CONTRACT WITH WEST COAST ARBORISTS INC., FOR MAINTENANCE OF MUNICIPAL STREET TREES**

**-and-**

**(1-H) REJECT ALL BIDS FOR A REQUEST FOR PROPOSALS (RFP) FOR MAINTENANCE OF THE STREET TREE COMPONENT OF THE MUNICIPAL FOREST**

Councilmember Boyajian stated it seemed like this matter was going "round and round" and questioned where staff was going on this along with other questions relative to only one company bidding, the RFP and specifications, funds for the contract, and time frame, with Streets Manager Dilley responding. A motion and second was made to approve staff's recommendations on both items.

Lengthy discussion ensued with General Services Director Nerland, City Manager Hobbs and Interim Public Works Director Kirm clarifying issues and/or responding to numerous questions/comments of Councilmembers Westerlund, Calhoun, Perea and Boyajian relative to cost associated with extensions and why interim contracts have to be extended, Council's interest in the urban forest and need for a presentation on that issue and concern with the lack of one, concern with cutting back on work, need for staff to provide Council with information and bring issues forth, if the urban forest workshop would be held before presenting the tree ordinance to council, including Tree Fresno in the process, cut-backs and what the criteria would be, if tree-trimming would continue, cost to remove trees and if letting the public contribute to the cost has been considered, process for tree removal being a difficult issue, and the problem of nuisance trees. At this point City Attorney Montoy stated Council was way off subject and reiterated the city manager would submit the working draft tree ordinance to Council for their review.

On motion of Councilmember Boyajian, seconded by Acting President Duncan, duly carried, **RESOLVED**, 1-G: an additional three month extension of the interim contract with West Coast Arborists, Inc., in the estimated amount of \$349,400 for municipal street tree services through March 31, 2005, until the current proposal process is completed and an award is made hereby approved; and 1-H: the one proposal received for the RFP to maintain the street tree component of the municipal forest hereby rejected because the proposal substantially exceeds the funds budgeted for this service, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**(11:30 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:**

APPEARANCE BY BARBARA HUNT REGARDING (1) SOUTHWEST FRESNO BOUNDARIES, (2) THE 93706 ZIP CODE ALSO BEING IN EASTON, (3) CDBG FUNDS AND WHERE THEY HAVE BEEN ALLOCATED TO THE PAST FIVE YEARS **(4 - 0)**, AND (4) THE CITY COUNCIL, THE REDEVELOPMENT AGENCY AND THE HCDC AND CONNECTION TO THE CHAMBER OF COMMERCE

Appearance made.

(1) SANTA FE DEPOT STATION DEDICATION AND REQUEST TO INCLUDE THE PROMENADE PARKING LOT, (2) NEED TO ADDRESS THE OLD SANTA FE SIGN AND TICKETING OFFICE BEING LEFT BEHIND, AND (3) NEED TO CLEAN UP LITTER ALONG THE TRACKS FROM THE DEPOT STATION NORTH TO BELMONT AVENUE - COUNCILMEMBER CALHOUN

Councilmember Calhoun spoke to the view when riding Amtrak and how it would be improved with the new promenade lot east of the tracks and encouraged staff to recognize the promenade parking lot with the depot dedication; spoke to the old Santa Fe sign on top of the old ticketing station and questioned what was going to happen to it and encouraged staff to get creative with that history; spoke to

First Lady Laura Bush's Historic Preservation Award presented to the city along with a background sign that will be placed behind City Hall and which will also be seen by Amtrak riders; and spoke to the litter problem along the tracks from the station north to Belmont Avenue and to the need for staff to work with BNSF or have a community clean up day and further elaborated. Councilmember Calhoun also commended staff in following through on this Council's and former Council's visions.

**145-7**

**1/4/05**

**CONCERN WITH SUNDAY'S FRESNO BEE ARTICLE AND THE EXORBITANT NUMBER OF PHONE CALLS BETWEEN SOME CITY EMPLOYEES - COUNCILMEMBER BOYAJIAN**

Councilmember Boyajian expressed his concern with the article and the 1,300 phone calls in a 15 month time frame, stressed there had to be a city standard where everyone is treated equally and that was not happening and explained, stated as a lawyer who has done criminal law and domestic relations cases he was also appalled to read this city would do something to alleviate or mitigate an investigation on an important issue like domestic violence because of whatever that might do for the safety or sanctity of the city, and further elaborated on the issue and his concerns. City Manager Hobbs stated he was also troubled by the article and advised a press release was put out in response to that article; stated conclusions could be made from the article but emphasized preferential treatment was not the case and added that was why two internal affairs investigations were initiated; read portions of the press release into the record relative to personal matters, personnel matters and the city's authority to investigate; relative to an insinuation in the article that the police chief had something to do with Lt. Morales' death stressed that was totally unfounded and it was appalling that there would even be a hint of that; and concluded stating he did not want there to be any hint out there that there was impartial treatment or anything else of an untoward nature and added the reason this received all this publicity was due to the internal affairs investigations.

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**LUNCH RECESS - 12:01 P.M. - 2:02 P.M.**

**INTRODUCTION OF NEW DIRECTORS FOR PUBLIC WORKS AND PARKS & RECREATION**

City Manager Hobbs introduced new public works director David Healy and new parks and recreation director Randall Cooper and spoke to their backgrounds and work experience. Mr. Healy and Mr. Cooper commented briefly on their work experience and goals and plans, and various council members commented briefly and welcomed them to the city organization.

**RECOGNITION OF WATER DIVISION EMPLOYEES**

City Manager Hobbs, Public Utilities Director McIntyre and Assistant Public Utilities Director Weimiller recognized water division employees who worked on Christmas morning on a water main failure on Church Avenue near Willow and explained the situation displaying pictures of the fault and the collapsed roadway to illustrate, and presented Certificates of Commendation to the employees and commended the spouses who showed up at the site and served coffee and breakfast burritos. Councilmembers Perea and Sterling and President Dages commented briefly and commended the employees and their families.

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**RECESS - 2:24 P.M. - 2:33 P.M.**

**(2:30 P.M.) HEARING ON COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 84, FINAL TRACT MAP NO. 5247**

**1. RESOLUTION NO. 2005-6 - ANNEXING TERRITORY**

**2. RESOLUTION NO. 2005-7 - CALLING A SPECIAL MAILED-BALLOT ELECTION**

**3. RESOLUTION NO. 2005-8 - DECLARING ELECTION RESULTS**

**4. BILL NO. B-1 - ORDINANCE NO. 2005 -2 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS**

President Dages announced the time had arrived to consider the issue and opened the hearing. Interim Public Works Director Kim reviewed the issue as contained in the staff report as submitted and recommended approval.

Jeff Roberts, representing Granville Homes, stated he concurred with staff's recommendation.

Upon call, no one else wished to be heard and President Dages closed the public hearing.

Councilmember Calhoun spoke at length to the background of the issue including his original concerns and questions to staff



**(5 - 0)**, referenced the ordinance and language relative to "the tax rate may be adjusted annually" and presented questions relative to whether staff had ever conducted a review to determine if adjustments were needed, and LLMDs and CFD assessments and costs, with Mr. Kirn and City Attorney Montoy responding.

**145-8**

**1/4/05**

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-6, 2005-7 and 2005-8 hereby adopted, and the above entitled Bill No. B-1 adopted as Ordinance No. 2005-2, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**(2:35 P.M.) HEARING ON COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 85, PARCEL MAP NO. 03-24**

1. RESOLUTION - ANNEXING TERRITORY
2. RESOLUTION - CALLING A SPECIAL MAILED-BALLOT ELECTION
3. RESOLUTION - DECLARING ELECTION RESULTS
4. BILL - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS

President Dages announced the time had arrived to consider the issue and opened the hearing. City Clerk Klisch advised a request was received from the developer to continue the hearing to January 25<sup>th</sup> and a motion and second was made to continue the hearing as requested.

Upon call, no one wished to be heard and President Dages closed the hearing.

On motion of Acting President Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the hearing on CFD No. 2, Annexation No. 85, Parcel Map No. 03-24 continued to January 25, 2005, at 10:00 a.m., by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**(2:40 P.M.) HEARING ON REZONE APPLICATION NO. R-04-31 AND ENVIRONMENTAL FINDINGS, FILED BY GARY GIANNETTA ON BEHALF OF MCCAFFREY GROUP, INC., PROPERTY LOCATED ON THE SOUTH SIDE OF THE W. GETTYSBURG AVENUE ALIGNMENT BETWEEN N. GRANTLAND AND N. HAYES AVENUES IN COUNCIL DISTRICT 2**

1. CONSIDER AND ADOPT ENVIRONMENTAL FINDING OF E.A. NO. R-04-31, DATED DECEMBER 3, 2004, THAT THE PROJECT PROPOSED CONFORMS TO THE PROVISIONS OF THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130
2. **BILL NO. B-2 - ORDINANCE NO. 2005-3** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM RR AND AE-20 TO R-1/UGM FOR 202 ACRES, R-2/UGM FOR 10 ACRES, AND C-1/UGM FOR 10 ACRES

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Fabino gave an extensive overview of issue, all as contained in the staff report as submitted, and recommended approval.

Gary Giannetta, Engineer for McCaffrey Development, requested approval stating it was needed for the educational center.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Planning & Development Director Yovino and Supervising Planner Unruh responded at length to numerous questions and concerns of Councilmember Boyajian relative to the country roads in the area, impacts, if an EIR was conducted for the school, what signals were planned for various intersections, fees paid by the developer, if roads would be widened, traffic impacts with the school stadium, the 48 acres of commercial and residential development, and need to look at cumulative impacts of all the development projects occurring in the area and conduct an EIR.

Councilmember Calhoun stated as development continues to move west developers know they will have to pay their fair share

and infrastructure will follow and added that was all laid out in the general plan, and stated he was very comfortable with what was taking place and made a motion to approve.

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On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for E.A. No. R-04-31, dated December 3, 2004, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-2 rezoning the subject property adopted as Ordinance No. 2005-3, subject to the two (2) conditions outlined in the staff report, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
Noes : None  
Absent : None

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(A) CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATION: INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39 (LOCAL 39)

The City Council met in closed session in Room 2125 at the hour of 3:35 p.m. to consider the above issue and adjourned thereafter.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 4:25 p.m. having arrived and hearing no objections, President Dages declared the meeting adjourned.

Approved on the \_\_\_\_11th\_\_\_\_day of January, 2005.

\_\_\_\_\_/s/\_\_\_\_\_  
ATTEST:\_\_\_\_\_/s/\_\_\_\_\_

\_\_\_\_\_  
Mike Dages, Council President

\_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk

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